

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00495/2021

Friday, this the 1st day of October, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

Unnikrishnan C, aged 65 years,
S/o. A. Chellappan, Retired Shunting Master,
Southern Railway, Pollachi,
Residing at Ambadi House, R.S.Road,
Oottara, Kollengode PO, Palakkad District,
PIN-678 506, Mob No. 9496644997.

- Applicant

(By Advocate: Mr.T.C.G. Swamy & Ms.Kala T. Gopi)

Versus

1. Union of India represented by the
General Manager, Southern Railway,
Head Quarters Office, Park Town P.O.,
Chennai-600 003.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad Division,
Palakkad- 678 002.
3. The Senior Divisional Personnel Officer,
Southern Railway, Madurai Division,
Madurai – 625 016.

- Respondents

(By Advocate: Mr.Sunil Jacob Jose)

The O.A having been heard on 1st October, 2021 through video conference,
this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicants seeking the following reliefs:

“(a) Declare that the applicant is to be considered and granted the benefit of the 3rd financial upgradation, with effect from 20.10.2008 in PB 1 + GP Rs.2400/- and direct the respondents accordingly;

(b) Direct the respondents to consider and grant the applicant the benefit of the 3rd financial upgradation in PB 1 + GP Rs.2400/- with effect from 20.10.2008 with all the consequential benefits arising there from;

(c) Declare that the applicant is entitled to be granted the benefit of PB 1 + GP Rs.2800/- with effect from 15.03.2013 as the 3rd financial upgradation with all consequential benefits arising there from;

(d) Direct the respondents to grant the applicant the benefit of the 3rd financial upgradation in PB 1 + GP Rs.2800/- with effect from 15.03.2013 with all the consequential benefits arising there from;

(e) Direct the respondents to revise and grant the applicant's pension and other retirement benefits in the light of the declarations and directions in paragraph (i) to (iv) above, with all the consequential benefits of arrears arising there from;

(f) Award costs of and incidental to this Application; and

(g) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.”

2. The brief facts of the case are as under:

The applicant is a retired Shunting Master, Gr. II of Southern Railway, Palakkad Division and he had superannuated from service on 30.11.2016. The grievance of the applicant relates to denial of grant of PB 1 + GP Rs.2400 w.e.f

20.10.2008 and GP Rs.2800/- as 3rd financial upgradation w.e.f 15.03.2013, with recurring effect in the applicant's pension and other retirement benefits. Hence, the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, it appears that no impugned order is passed by the authorities concerned so remedies are not exhausted. Hence, the applicant is directed to file a comprehensive representation to 1st respondent.

4. Adv.Mr.Sunil Jacob Jose takes notice on behalf of the respondents and submits that respondents have no objection in considering the representation.

5. In view of the limited relief, **the applicant is directed to file a detailed representation within a period of 2 weeks and the Competent Authority is directed to consider the same in the light of relevant rules, regulations and guidelines and pass a speaking order within a period of three months from the date of receipt of a copy of this order. It is made clear that the order passed in this case will not extend the period of limitation.**

6. The Original Application is disposed of as above at the admission stage itself without going into the merits. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A1 - True copy of the Railway Board Order bearing RBE No.101/2009 dated 10.06.2009.

Annexure A2 - True copy of the Railway Board and orders issued under RBE No.36/2010 dated 25.02.2010.

Annexure A3 - True copy of the office order bearing No.TD15/2009 dated 23.10.2009, issued by the 2nd respondent.

Annexure A4 - True copy of office order bearing No.TD/05/2013 dated 15.03.2013 issued by the 2nd respondent.

Annexure A5 - True copy of the representation dated 15.01.2019, addressed to the 2nd respondent.

Annexure A6 - True copy of the representation dated 25.07.2020, addressed to the 2nd respondent.

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